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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights questions and fundamental freedoms

Combating defamation of religions

Report of the Secretary-General**

Summary

The present report is submitted in accordance with General Assembly resolution 61/164 of 19 December 2006. It focuses on activities undertaken by States, the Office of the United Nations High Commissioner for Human Rights, human rights mechanisms and national human rights institutions to combat defamation of religions.

* A/62/150.
** The present report was submitted after the deadline to allow for the inclusion of as many contributions as possible.

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I. Introduction

1. In its resolution 61/164, the General Assembly requested the Secretary-General to submit a report on the implementation of the resolution at its sixty-second session. The present report focuses on measures and activities undertaken by various actors aiming at combating defamation of religions.

2. On 4 April 2007, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent communications to States, United Nations bodies, non-governmental organizations and national human rights institutions requesting information on the implementation of resolution 61/164. In order to facilitate the identification of trends, a note was attached to the communication to provide guidance in preparing the responses. Information was requested on:

(a) Actions at the local and national levels undertaken by the State to prohibit discrimination based on religion and faith;

(b) Legal and constitutional guarantees and national policies aimed at protecting against discrimination based on religion and faith and acts of hatred and violence, xenophobia and related intolerance, intimidation and coercion resulting from defamation of religions;

(c) Measures adopted to prohibit the dissemination of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to discrimination, hostility or violence;

(d) Measures adopted to ensure that physical attacks and assaults on businesses, cultural centres and places of worship of all religions as well as targeting of religious symbols are offences punishable by law;

(e) Actions undertaken to ensure that counter-terrorism measures do not incite acts of violence, xenophobia or related intolerance and discrimination against Islam or any other religion;

(f) Actions undertaken to ensure that the print, audio-visual and electronic media, including the Internet, and any other means do not incite acts of violence, xenophobia or related intolerance and discrimination against Islam or any other religion;

(g) Measures undertaken, including appropriate education and training, to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief;

(h) Measures adopted to ensure equal access to education for all, in law and in practice, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance, without discrimination of any kind;

(i) Measures undertaken to promote tolerance and respect for all religions and their value systems;

(j) Actions aimed at supporting and promoting a global dialogue for a culture of peace and tolerance based on respect for human rights and religious diversity.

3. OHCHR received replies from 16 Member States: Algeria, Argentina, Belarus, Brazil, Canada, Croatia, Cuba, Ecuador, Georgia, Libyan Arab Jamahiriya, Mexico, Qatar, Sudan, Syrian Arab Republic,[1] Turkey and United States of America. A contribution was received from the National Commission of Human Rights of Mexico. The report also contains relevant information concerning activities of OHCHR and United Nations human rights mechanisms. The original texts of the contributions, summaries of which are provided below, are available upon request at OHCHR.

II. Contributions received

A. Member States

4. The Algerian Constitution guarantees the protection of freedom of conscience and freedom of opinion. Article 29 states that all citizens are equal before the law without distinction as to birth, race, sex, opinion or other condition or circumstance, whether personal or social. Ordinance No. 06-03 ensures the freedom to manifest one's religion in accordance with the constitutional provisions and other legislative regulations, tolerance and respect for different religions, and the prohibition of discrimination on the ground of religious affiliation. The Algerian Criminal Code provides for imprisonment and a fine for defamation and insult of persons belonging to recognized ethnic, philosophical and religious groups, when such acts are intended to incite hatred against citizens or residents. Article 77 of the Law on Information No. 90-07 of 3 April 1990 provides for imprisonment and a fine for written, verbal, pictorial and other offences against Islam and other divinely revealed religions. Article 96 of the same law foresees sanctions for anyone who incites such acts, directly or indirectly.

5. The Algerian educational system aims at creating a spirit of tolerance among citizens, teaching young people to have mutual respect. Training programmes for law enforcement officers and magistrates are organized to sensitize them to human rights issues.

6. Human rights and freedom of thought and belief are priorities for public policy in Argentina. With regard to religious matters, the Secretariat of Cults, within the Ministry of Foreign Affairs, International Trade and Worship, has proved to be an efficient instrument for the promotion of pluralism, openness and transparency. Effective and constant dialogue between various religious organizations is favoured in order to establish a social life without racial, religious or other discrimination that fully respects human rights (right to freedom of thought, conscience and religion) and promotes social inclusion. The constitutional reform of 1994 ensured that parents have the right to choose the type of moral and religious education they want for their children.

7. The Constitution of Belarus was amended in 1996 to ensure that everyone can decide freely about his/her attitude towards religion, individually or collectively practise religion, express and spread ideas related to attitudes towards religion, and participate in religious practices and rituals which are not forbidden by law. In 2002, the law on "Freedom of conscience and religious organizations" was amended so as

[1] The contribution was submitted in reply to a note verbale in 2006.

to stipulate equal rights of religious and non-religious citizens and the rules and conditions for the establishment, registration, activities and dissolutions of religious organizations. Article 5 of this law guarantees that everyone has the right to choose, have, change and spread religious ideas and act in accordance with such ideas, and to practise religious rites and rituals in accordance with legal provisions. Moreover, the law stipulates that no one is obliged to reveal his/her attitude towards religion, or to participate or not participate in religious organizations. All religious organizations are equal. In accordance with Presidential Decrees No. 571 of 1 December 2005 and No. 137 of 26 March 2007, all religious organizations registered in Belarus are exempt from taxes, as are religious buildings under construction.

8. The Federal Constitution of Brazil guarantees freedom of conscience and belief, free exercise of religious denominations in accordance with the law and protection of places of worship.

9. The Penal Code of Brazil provides for imprisonment for one to three years and a fine for discrimination or prejudice on the grounds of race, colour, ethnic or national origin, and religion. The Brazilian parliament is considering an amendment to the Penal Code that would substantially increase the sentence for religious crimes. The draft amendment to article 208 of the Penal Code forbids any party "to mock anyone publicly for reason of belief or religious function; to prevent or disturb a religious ceremony or the practice of a religious denomination; to vilify publicly an act or object of a religious character", and envisages different penal measures in accordance with the gravity of the crime.

10. The Special Secretariat for Policies for the Promotion of Racial Equality was recently established in Brazil. Its Subsecretariat for Affirmative Actions and Policies, has launched many initiatives promoting respect for cultural diversity, including in the area of religion. The fight against xenophobia is also within its mandate.

11. The protection and promotion of human rights, including the right to freedom from all forms of discrimination, including racism and religious intolerance, are enshrined in the Canadian Constitution and the Charter of Rights and Freedoms, along with a recognition of the multicultural heritage of Canadians. Under section 2 of the Canadian Charter of Rights and Freedoms everyone has: "(a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication". Under the Charter, groups, including religious organizations, do not have the right to fundamental freedoms, although individuals with the same religion or belief system obviously share common concerns. Combined with earlier human rights and employment equity legislation, Canada's legal framework promotes the principles of diversity and the rights of all citizens, regardless of their ethnicity, race, language, gender or religion.

12. On 21 March 2005, Canada released its national Action Plan against Racism which, in collaboration with partners across Canadian society, aims to combat racism through the enhancement of existing initiatives, as well as new initiatives, across federal departments.

13. Article 14 of the Constitution of Croatia guarantees that all citizens "shall enjoy all rights and freedoms regardless of race, colour, sex, language, religion,

political or other opinion, national or social origin, property, birth, education, social status or other characteristics". Article 15 of the Constitution ensures equal rights for all minorities, including freedom to use their language and script. In 2002, Croatia adopted the Constitutional Act on the Rights of National Minorities. The Act guarantees that the national minorities have the right to preserve their religion, to establish religious communities, to use their language and script in the private and public spheres, to receive education in their language and script and to have cultural autonomy.

14. Any religious community that has signed a specific agreement with the Government of Croatia may, within the legal framework of the educational system in the country, carry out religious education. The curriculum is prepared by the respective community and approved by the Ministry of Science, Education and Sport, taking into consideration all pedagogic and didactic norms. The religious community is entitled to draft and publish textbooks, for the classes on religious education after their approval by the Ministry of Science, Education and Sport, in accordance with the procedures for all disciplines in schools.

15. Religious education is provided to all students in Croatia, in accordance with the Religious Education Act (1991) as well as the Act on the Legal Position of Religious Communities (2002). Parents of children under the age of 15 have the right to decide if their children will attend classes of religious education, as well as to choose the kind of religious education they want for their children. In the secondary schools, religious classes are replaced by the discipline Ethics, which covers all religions, and the decision whether or not to attend such classes is taken by both children and parents.

16. The Constitution of Cuba ensures the recognition, respect and guarantee of religious freedom and the right to have and change one's religious beliefs, including the freedom not to profess any religious beliefs or follow religious practices. Moreover, the Constitution establishes the absolute separation between the Church and the State. In 1992, the Constitution was amended to eliminate any mention of scientific atheism in the functioning of the State and its institutions, enabling a transition from an atheist to a secular State. The amended Constitution guarantees the full exercise of religious freedom.

17. The Constitution prohibits discrimination on the ground of race, skin colour, sex, national origin, religious belief and other status. It stipulates that the State recognizes, respects and guarantees freedom of conscience and religion, the freedom of each citizen to change or not to have any religious beliefs and to profess, in accordance with the law, their denomination of preference. The Cuban Penal Code envisages imprisonment for two years for an offence against freedom of religion or belief committed by a public employee. During the last decade more than 1,000 churches, chapels and similar places of worship have been repaired. A large number of religious institutions issue publications that are officially registered in the Cuban Publication Institute (Instituto Cubano del Libro).

18. The Constitution of Ecuador, in its article 23 (11), guarantees the right to freedom of thought, conscience and religion. This freedom can be manifested individually or collectively, in public or private, so that persons can freely practise their beliefs, in accordance with applicable legal provisions guaranteeing respect for diversity, pluralism and the security of others. The Ministry of the Interior and Police is responsible for recognizing the different religious associations and

communities through an administrative procedure and for legalizing their statutes, regulations and practices regarding the proliferation of religious beliefs, in accordance with the legal provisions protecting the rights of others. Religious communities in Ecuador do not need to be registered unless they are engaged in commercial activities.

19. In 1998, the Government of Ecuador adopted the National Plan on Human Rights. The Plan envisages training in human rights for members of the Armed Forces and National Police. Within the framework of the National Plan on Human Rights, State institutions, in collaboration with civil society, developed the National Plan of Education in Human Rights, including the National Plan of Training in Human Rights for teachers, law enforcement agents and other State officials and civil society members. The National Plan of Training in Human Rights became operative in 2003.

20. Article 67 of the Constitution of Ecuador protects the right of parents to choose the education of their children in accordance with their principles and beliefs. The Law on Educational Freedom of the Ecuadorian Family of 30 September 1994 promotes the teaching of religions, based on voluntary enrolment, taking into consideration the ethical benefits of such education for Ecuadorian society.

21. Article 14 of the Constitution of Georgia guarantees the equality of all persons before the law regardless of their race, skin colour, language, sex, religion, political or other opinion, national, ethnic or social origin, property, titles or place of residence. Moreover, article 19 of the Constitution protects freedom of speech, conscience and religion.

22. Article 142 of the Criminal Code of Georgia was amended in 2003 to penalize any act of racial discrimination committed with the intention to incite national or racial hatred or conflict, humiliate national dignity, directly or indirectly restrict human rights or grant advantages on the grounds of race, skin colour, social status, or national or ethnic affiliation. It covers also all manifestations of racial discrimination including dissemination of racist and xenophobic ideas and materials constituting incitement to discrimination, hatred, or violence and directed at any religion or its followers. Dissemination of discriminatory, racist and xenophobic ideas by means of print, audio-visual or electronic media, including the Internet, is prohibited.

23. Article 155 of the Criminal Code of Georgia forbids illegal interference with religious worship through violence or threat of violence and its article 156 criminalizes the persecution of a person because of that person's speech, thought, conscience, religion, faith or belief, or political, public, professional, religious or scientific activities. Article 166 prohibits illegal interference with the establishment or activities of political, social or religious organizations through resorting to violence, threat of violence or abuse of power.

24. The Law of Georgia on the Public Security Service, the Law on Operative-Investigative Activities and the Law on Counter-Intelligence Activities contain provisions on respect and protection of human rights and freedoms in their respective areas. The Presidential Decree of 8 August 2005 provided for the establishment of a State Council on Tolerance and Civil Integration that is an inter-agency coordinating body that includes representatives of religious and ethnic

groups. The Office of the Public Defender of Georgia also participates in the promotion of awareness and tolerance of religious and cultural diversity. In 2006, a Tolerance Centre was established under the auspices of the Office of the Public Defender, with the objective of assisting with the fight against religious and ethnic discrimination and carrying out educational activities in this field. The centre includes a Religious Council and a National Minorities' Council.

25. Article 13 (2) of the Law of Georgia on General Education prohibits the use of education for purposes of religious indoctrination, proselytism and forcible assimilation. In accordance with article 18 (3) of the Law, the placement of religious symbols on the territory of public schools should not promote non-academic objectives. The promotion of freedom of religion, equality and religious tolerance is also included in the Law on Broadcasting and in the Code of Conduct for Public Broadcasters in Georgia.

26. In the Libyan Arab Jamahiriya, the national jurisdiction has legal texts which reinforce respect for religions and punish defamation of religions or attacks against the freedom of persons practising religious rituals. In this context, the Great Green Charter on Human Rights of the Jamahiriya Era forbids the exploitation of religion in order to incite revolts, fanaticism or sectarianism. Article 17 of the Charter stipulates that discrimination against persons on the ground of skin colour, gender, religion or culture is illegal. The Libyan Arab Jamahiriya reported that the phenomena of discrimination and regular or systematic fanaticism on religious grounds are not present in the country.

27. The Penal Code of the Libyan Arab Jamahiriya prohibits attacks against religion and sacred matters. Article 289 of the Penal Code criminalizes acts committed against religion and religious rituals, including acts that halt or disrupt religious ceremonies, sabotage, destruction, damage or desecration of buildings for the holding of religious observances or other objects venerated by followers of a religious belief or population group. Article 290 penalizes attacks, through any means of communication, against religion and prohibits mimicry of religious ceremonies or rituals in a public place with a view to causing ridicule or entertaining onlookers. Article 292 of the Penal Code criminalizes the abuse of dead bodies, the desecration of tombs and the disruption of funerals.

28. The General Directorate of Religious Endowments and Religious Alms Affairs in the Libyan Arab Jamahiriya plays an important role in the establishment of cultural programmes reinforcing tolerance and respect for religions of different population groups, as well as collaboration with other sectors through communication, culture and education.

29. The Constitution of Mexico, in its article 1, protects against discrimination on the grounds of ethnic and national origin, gender, age, different abilities, social condition, health, religion, opinion, preferences and civil status and against any other violation of human dignity aiming at annulling or undermining the rights and freedoms of other persons. Article 24 of the Constitution guarantees that all individuals are free to practise religious beliefs of their choice and participate in ceremonies, devotions or acts of their respective denominations, in accordance with legal provisions. Moreover, the Congress cannot enact laws which establish or prohibit any religion.

30. The Law of Religious Associations and Public Worship in Mexico was adopted in 1992. Article 2 of the Law guarantees the right to have or not to have, to adopt and to manifest religious beliefs, individually or collectively; the right not to be the subject of discrimination, coercion and hostility on the ground of religious belief; the right not to be obliged to provide services, money and other support to any association, Church or other religious groups and related acts; and the right not to be subject to judicial or administrative inquiry for the manifestation of religious ideas. The Law was translated into 10 indigenous languages.

31. In 2003, Mexico adopted the Federal Law for the Prevention and Elimination of Discrimination. Article 4 of the Law stipulates that discrimination means any distinction, exclusion or restriction on the ground of ethnic and national origin, sex, age, disability, social or economic condition, health, pregnancy, language, religion, opinion, sexual preferences and civil and other status, aiming to obstruct or nullify the recognition or exercise of rights and equal opportunities of the individual. Discrimination also includes xenophobia, anti-Semitism and related manifestations. In accordance with the Law, the National Council for the Prevention of Discrimination was established.

32. At the national and local levels, since 2000, the Secretariat of the Interior of Mexico, through its General Directorate of Religious Associations, has been organizing coordination agreements (*convenios de coordinación*) for religious matters, in collaboration with federal organizations, with the objective of protecting and promoting freedom of religious beliefs and worship, and to create a culture of religious tolerance. In 2004, the Chamber of Deputies organized the First National Forum on Religious Tolerance. In 2006, the National Programme for Prevention and Elimination of Discrimination was launched. General recommendation 5 of the National Commission on Human Rights, adopted in 2003, provides for the use of education for promoting respect and greater understanding of differences, particularly with regard to the right to freedom of religious belief.

33. The Constitution of Qatar guarantees that all persons are equal before the law without distinction on the grounds of sex, origin, language or religion. Article 50 of the Constitution states: "Freedom of worship is guaranteed to all, in accordance with the law and the need to protect public order and public morals." The Criminal Code of Qatar provides for up to seven years of imprisonment for anyone who commits any of the following acts: "defaming a divinely revealed religion that is protected under the Islamic sharia"; "insulting a prophet by the spoken word, in writing, in an image, by means of a gesture or by any other method"; "vandalizing, damaging, destroying or defiling buildings or their contents which are used to perform the rituals of any of the divinely revealed religions protected under the Islamic sharia". Article 263 of the Code penalizes "anyone who produces, makes, sells, offers for sale, circulates, acquires or possesses products, goods, printed matter or cassettes containing images, slogans, words, symbols, signs or any other material that defames the Islamic religion or religions". It also criminalizes the use of "computer programs or tapes to defame the Islamic religion or the divinely revealed religions protected under the Islamic sharia".

34. With regard to equality in the provision of education in Qatar, any expatriate community, regardless of its religious affiliations, can open a school to teach young persons in their own language.

35. The Constitution of the Sudan enshrines a number of principles, including that religions, beliefs, cultural diversity, traditions and customs are a source of moral strength and inspiration for the Sudanese people. Article 6 stipulates that the State must respect several rights, including the right to freedom of worship and of assembly, in keeping with the rites or beliefs of any given religion, and the right to establish and maintain premises for those purposes; the right to write, publish and distribute religious publications; and the right to teach religion or beliefs in premises suited for that purpose. Article 23 states that every citizen has the duty to work for the promotion of harmony and mutual tolerance among all people of the Sudan and to overcome religious, regional, linguistic and confessional differences. Article 38 of the Constitution guarantees that every person has the right to freedom of religious belief and of worship and the right to profess his/her religion or belief or express it through worship, education and the observance or performance of rituals or ceremonies, in accordance with legal provisions and public order. No one can be forced to adopt a faith in which he or she does not believe or to perform rituals or rites that he or she does not accept voluntarily.

36. The 1991 Criminal Code of the Sudan, in its article 125, provides that anyone who publicly defames or disparages, by any means whatever, any religion, rite, faith or sacred item or who incites feelings of hatred or contempt towards the adherents of a religion shall be liable to a penalty of imprisonment. Article 127 of the Code stipulates that anyone who destroys or desecrates a place of worship or any object regarded as sacred by any faith-based group or who deliberately disrupts a religious gathering as a means of expressing contempt for that religion or faith-based group shall be subject to a penalty of imprisonment.

37. The President of the Sudan issued Decree No. 72 of 2007 appointing the members of the Commission for the Rights of non-Muslims in Khartoum State to oversee the rights of those persons. The Commission is in charge of ensuring that the national capital is a symbol of national unity and reflects the country's religious and cultural diversity and that the rights of non-Muslims are protected in light of the application of Islamic law. Christian education is part of the general curriculum for Christian students, managed by the Department for Christian Education at the Ministry of Education.

38. The Inter-Religious Council of the Sudan has been operational since 2003. One of the main objectives of the Council is to strengthen tolerance, peaceful coexistence and cooperation between different religious groups. The Council established a committee for the protection of religious freedoms. It also founded a number of religious committees for the promotion of peace in conflict zones. Moreover, the Council organized a number of initiatives, including a seminar on dialogue between civilizations, meetings between Islamic and Christian organizations, a seminar on values common to Islam and Christianity, and a training workshop on the protection of religious freedom. From 4 to 6 July 2007, the Ministry of Guidance and Religious Endowments organized an international conference on Islamic-Christian dialogue in Khartoum, under the auspices of the President of the Sudan.

39. The Constitution of the Syrian Arab Republic guarantees the principle of equality among all members of the nation, without discrimination. Every citizen is entitled to express views freely and openly through all forms of expression. Syrian law punishes any act, piece of writing or speech which sets out to stir up sectarian

or racial strife or to incite division, discord or conflict among confessional groups and different components of the nation. Article 2 of the Associations Act stipulates that everyone has the right to establish unions, institutions and associations. There are no restrictions on this right, unless the reason for establishment is illegitimate, unlawful or immoral and is prejudicial to the integrity of the Republic or the Government.

40. The Constitution of Turkey guarantees freedom of religious belief, conscience and conviction. Equality before the law, irrespective of citizens' language, race, colour, ethnicity, religion or other status, and the prohibition of all forms of discrimination are enshrined as fundamental principles in the Constitution. The religious rights of the non-Muslim citizens in Turkey are further protected in accordance with the Lausanne Peace Treaty. Non-Muslim citizens and foreigners have the right to establish their own places of worship, which are administered by their own associations or foundations.

41. The obstruction of the exercise of freedom of religion, belief and conviction has been stipulated as an offence in article 115 of the Turkish Penal Code No. 5237, which entered into force on 1 June 2006. According to article 122 of the new Code, any discrimination on grounds of language, race, colour, gender, political opinion, conscience, religion, belief or similar grounds, in employment, public or other services, transactions involving moveable or immoveable properties or economic activities is punishable with prison sentences ranging from six months to one year, or with a fine. Article 216 of the Code penalizes incitement to religious hatred, public denigration of any group on the ground of their religion or belief, as well as defamation of religious values. The Turkish Penal Code also stipulates that preventing persons from disseminating or expressing their religious beliefs through use of force or threat is an offence. Attacks against places of worship are also penalized under article 153. The amended Code also introduced liability for crimes committed through new information and communication technologies, including the Internet. In 2004, a new unit was established within the Ministry of the Interior to deal specifically with crimes committed through advanced technologies and information systems.

42. The Law on Turkish Radio Television No. 2954 includes provisions on non-discrimination. It forbids the broadcasting of propaganda for regimes or ideologies promoting discrimination on the grounds of language, race, religion or belief. Article 4 of the Law on the Establishment of Radio and Television Enterprises and Their Broadcast No. 3984 stipulates that broadcasts shall not incite violence, terror, ethnic discrimination or hate and hostility on the grounds of social class, race, language, religion or belief, or give rise to feelings of hatred within the society. Moreover, they shall not, in any manner, humiliate or insult people for their language, race, colour, gender, political opinion, philosophical belief, religion, belief or other similar grounds.

43. The Radio and Television Supreme Council of Turkey has recently been consulted with regard to its possible role in implementing provisions of the Durban Declaration and Programme of Action.[2] The Council has suggested that it could be recommended to producers that they promote anti-racist themes in their most popular programmes.

[2] See A/CONF.189/12 and Corr.1, chap. I.

44. The First Amendment to the United States Constitution guarantees the right to freedom of religion. It prohibits the Federal Government from making any law that establishes a national religion (Establishment Clause) or prohibits free exercise of religion (Free Exercise Clause). The Free Exercise Clause as interpreted includes the right to freedom of belief and worship, and the freedom to not believe in any faith. In accordance with the First and Fourteenth Amendments to the Constitution, which protect freedom of speech, the United States may not criminalize racist or xenophobic ideas, expressed either in conversation or in published materials. Racist conduct that incites violence or itself inflicts injury has been characterized as outside of First Amendment protections, and is therefore punishable.

45. The Religious Freedom Restoration Act of the United States of America, passed by Congress in 1993, aims to prevent laws which substantially burden a person's free exercise of religion. Moreover, many state constitutions have Bills of Rights which guarantee freedom of religion at the state level.

46. The Civil Rights Act of 1964 of the United States envisages protection against discrimination in several areas. Title II outlaws discrimination in places of public accommodation and amusement, including hotels, motels, restaurants and theatres. Title III prohibits state and municipal Governments from denying access to public facilities on the grounds of race, religion or ethnicity. Title IV prohibits discrimination on the basis of race, religion, or ethnicity by public schools, colleges and universities. Title VII prohibits discrimination in the employment context based on race, colour, religion, sex or national origin.

47. The Hate Crime Sentencing Enhancement Act of 1994 requires the United States Sentencing Commission to increase penalties for crimes committed on the basis of actual or perceived race, colour, religion, national origin, ethnicity and other factors. Under the Act, if the destruction of a building was motivated by religious hatred, the sentence for the crime would increase. This act only applies to federal crimes.

48. The Fair Housing Act of the United States of America prohibits discrimination based on "race, colour, religion, sex, national origin, handicap, and familial status" in activities relating to the sale, rental, financing and advertising of housing.

49. The Religious Land Use and Institutionalized Persons Act of 2000 in the United States of America protects the religious rights of persons in institutions such as prisons or mental institutions, and protects houses of worship and religious schools from abuses by local zoning authorities. Crimes against individuals because they are of a particular religion are outlawed as hate crimes as well as common crimes in the United States of America. In February 2007, the United States Attorney General launched an initiative to increase enforcement of federal laws protecting against religious discrimination and religious hate crimes. The United States Department of State has an office, the Office of International Religious Freedom, devoted entirely to promotion of religious freedom around the world.

50. The United States education system promotes respect for freedom of religion and all other freedoms guaranteed in the Constitution, and all public officials take an oath to uphold the Constitution. Under Title IV of the Civil Rights Act of 1964, the United States Department of Justice may bring suit against a school board that deprives children of equal protection of the laws, or against a public university that

denies admission to any person on the grounds of "race, colour, religion, sex or national origin".

B. United Nations human rights mechanisms

51. The Committee on the Elimination of Racial Discrimination, in accordance with the recommendation of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action made at its fourth session (see E/CN.4/2006/18) and pursuant to Human Rights Council resolution 1/5 of 30 June 2006,[3] conducted a further study on possible measures to strengthen the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination through additional recommendations or the update of its monitoring procedures. In the section of the study on indicators of patterns of systematic and massive racial discrimination, religious groups were considered. The study will be presented to the Working Group, at the second part of its fifth session in September 2007.

52. The Working Group held its fourth session from 16 to 27 January 2006 during which it debated ways to enhance existing international instruments in the fight against racism, racial discrimination, xenophobia and related intolerance. The Working Group also discussed religious groups, religious intolerance and defamation of religious symbols. The Working Group noted that respect for religious diversity is essential for combating racism (ibid.).

53. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance, Doudou Diène, submitted a report to the fifth session of the Human Rights Council on political platforms which promote or incite racial discrimination (A/HRC/5/10). The report analyses practices such as the normalization of racism, racial discrimination and xenophobia for political ends, the penetration of the racist political platforms of extreme right-wing parties and movements in the political programmes of democratic parties, and the growing intellectual legitimization of those platforms; freedom of expression and freedom of religion were also discussed.

54. Pursuant to Human Rights Council resolution 4/9 of 30 March 2007,[4] the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance is currently preparing a report on all manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights, which will be presented to the sixth session of the Council.

55. In April 2007, the Special Rapporteur met with the group of five experts selected to prepare a study on complementary international standards pertaining to racism, racial discrimination, xenophobia and related intolerance, in accordance with Human Rights Council resolution 1/5. He also participated in a number of seminars and conferences, dealing notably with interreligious dialogue, intolerance and discrimination on the ground of religion.

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[3] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. A.

[4] See A/HRC/4/123, chap. I, sect. A.

56. The Special Rapporteur on freedom of religion or belief, Asma Jahangir, submitted a contribution in response to a questionnaire sent by the group of five experts in which she noted that freedom of religion or belief and freedom of opinion and expression are interdependent, and pointed out that there is a lack of implementation of existing legal obligations.

57. The report of the Special Rapporteur on freedom of religion or belief to the Human Rights Council (A/HRC/4/21) sets out the activities that have been carried out under the mandate since the submission of the last report to the Commission on Human Rights (E/CN.4/2006/5). An analysis of the vulnerable situation of women, violations linked to counter-terrorism measures and the situation of religious minorities and new religious movements is also provided in the report. In May 2007, the Special Rapporteur participated in the High Level Symposium on the Alliance of Civilizations Report, held in New Zealand.

58. On 29 and 30 January 2007, the independent expert on minority issues, Gay McDougall, convened a seminar in Washington, D.C., entitled "Expert seminar: regional standards and mechanisms to combat discrimination and to protect the rights of minorities". The seminar was organized with the support of OHCHR in close collaboration with the Danish Institute for Human Rights and the Washington College of Law of the American University. During the consultations, successful practices were identified to assist processes at the regional level for the formulation of new human rights mechanisms for the protection of minorities and other groups facing racism and other forms of discrimination, including a proposal for an inter-American convention against racism and all forms of discrimination and intolerance to be adopted by the Organization of American States.

59. The Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, submitted a report to the fourth session of the Human Rights Council on intersections between culture and violence against women (A/HRC/4/34), in which she analysed issues pertaining to custom, tradition and religion.

60. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ambeyi Ligabo, submitted a report to the fourth session of the Human Rights Council (A/HRC/4/27) which included information on the visit of the Special Rapporteur to Denmark in April 2006, at the invitation of the Danish Institute for Human Rights, during which he collected first-hand information on the issue of the so-called "Danish cartoons". The report provides an analysis of defamation of religions in the context of the freedom of expression.

61. The Special Rapporteur on the right to education, Vernor Muñoz Villalobos, submitted a report to the fourth session of the Human Rights Council on the right of education of persons with disabilities (A/HRC/4/29). The Special Rapporteur noted that in many countries, among other actors, religious groups and community organizations are involved in educational activities, outside the formal educational system, for children and young persons with disabilities. He participated in several conferences and seminars, where he talked about intercultural education and human rights.

C. Office of the United Nations High Commissioner for Human Rights

62. OHCHR is providing support to intergovernmental and treaty bodies, as well as special procedures addressing the issues of freedom of religion or belief, tolerance, and dialogue among civilizations and cultures. In addition, a substantive effort is also being made to raise awareness in this area through public information campaigns, seminars and conferences, training and technical cooperation projects.

63. Education is an indispensable and effective tool for combating fear of human diversity and for changing intolerant attitudes and behaviours. OHCHR, through its programmes on human rights education, aims at promoting respect and tolerance, multisectoral schooling and the incorporation of different historical and cultural perspectives into school curricula. Understanding one's own and other people's human rights is a precondition for participation, mutual exchange, and rejection of stigma and marginalization. In coordinating the World Programme for Human Rights Education, OHCHR has focused on encouraging and assisting with national implementation. One way in which OHCHR contributes to this, working jointly with other relevant actors, is through the collection and dissemination of existing good practices in the area of human rights education in the school system. Those practices provide concrete examples which can serve as inspiration to others. Other activities undertaken in the context of the World Programme are highlighted in the report of the High Commissioner for Human Rights (A/HRC/4/85) to the Human Rights Council on the subject.

64. Support, in the form of small grants administered by the "Assisting Communities Together" (ACT) project, a joint initiative of the United Nations Development Programme and OHCHR, was given for grass-roots youth projects to promote respect for diversity in schools and through non-formal education. In 2006, OHCHR provided 119 grants to national and local non-governmental organizations (NGOs) in 32 countries for a wide variety of human rights education and training projects. Many projects focus on human rights education in primary and secondary schools. Activities include seminars and debates with students on human rights; cultural activities such as music or writing competitions; theatre performances for and with students; dissemination of human rights education materials in schools; training for teachers and other school personnel; and the setting up of human rights clubs in schools. Some activities target vulnerable groups, such as orphans, demobilized child soldiers, children not going to school and children belonging to ethnic minorities. Several aim to promote universal schooling of children. Other activities include radio programmes, tours of films about human rights in villages, training for NGO representatives, journalists, prisoners and human rights defenders on the functioning of the judicial system, and workshops on conflict resolution.

65. The OHCHR Minority Fellowship Programme, launched in 2005, was expanded, with 16 minority representatives taking part in two sessions in 2006. Participants represented a wide variety of ethnic, religious and linguistic minorities from all over the world. During their stay in Geneva, the fellows accumulate knowledge about the United Nations system, protection and promotion of human rights in general and minority rights in particular.

66. Additional information on activities undertaken by the OHCHR can be found in the report of the High Commissioner for Human Rights on combating defamation

of religions (A/HRC/4/50) submitted to the fourth session of the Human Rights Council.

D. National human rights institutions

67. The National Commission of Human Rights of Mexico has been very active in organizing initiatives for the promotion of a culture of tolerance and respect for human rights and religious diversity. It has a website through which it provides the most updated information, including on issues pertaining to freedom of religion. Since 2001, it has organized more than 13 workshops and other meetings, with the participation of municipal, state and federal authorities, religious leaders and indigenous communities, on various issues related to freedom of religion and belief. In the last seven years, the Commission prepared many publications and materials, the most recent, a compact disc on "The Human Right of Religious Freedom", having been distributed in May 2007.

III. Conclusions

68. The present report demonstrates that the majority of the States where Governments responded to the request for information from OHCHR have constitutional provisions guaranteeing the right to freedom of religion and protecting against discrimination on the ground of religion. Step by step, issues pertaining to defamation of religions are receiving increased attention. A trend is emerging towards amending Criminal Codes to reflect the existence of the different phenomena constituting defamation of religions. The persistence of these phenomena, however, proves that further efforts need to be made by Member States in order to ensure respect and tolerance for religious diversity as a prerequisite for constructive dialogue and peaceful coexistence among different groups.